

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED IN OPEN COURT

DATE: 5/26/05

TIME: 10:30 AM

INITIALS: JPW

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Criminal No. 04-20311-M1
)
VENCEL MARTIN,)
)
Defendant.)

PLEA AGREEMENT

The following constitutes the Plea Agreement reached between the United States, represented by Terrell L. Harris, United States Attorney for the Western District of Tennessee, and Vivian R. Donelson, Assistant United States Attorney, the defendant, Vencel Martin, represented by Stephen Leffler, defense counsel. The parties, represented and advised throughout by counsel, agree to the following:

1. The parties enter this Plea Agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. If the Court rejects the agreement either party may withdraw from the agreement.

2. The defendant will enter a plea of guilty to Count 20 and Count 22 of the Indictment.

3. At sentencing the United States will move to dismiss the remaining count.

4. The parties mutually agree that the sentence of imprisonment imposed in this case shall be not less than 12 months, nor more than 15 months. The defendant will request a sentence of 12 months. The government agrees not to oppose that request as long as the defendant demonstrates acceptance of responsibility. If the court imposes a sentence below or above the agreed upon range, either party shall be afforded an opportunity to withdraw from the agreement.

5. The defendant agrees to waive, except with respect to claims of ineffective assistance of counsel or prosecutorial misconduct, his rights to appeal his conviction and, challenge the voluntariness of his guilty plea including, but not limited to, a motion brought pursuant to Title 28 United States Code § 2255.

6. There are no agreements as to the term of supervised release, probation, fines or restitution, except the provision contained in paragraph 7 below about restitution. These matters are left to the discretion of the United States District Court.

7. Should the court deem restitution appropriate, the defendant agrees that the Court may consider losses from the count of conviction and the dismissed counts.

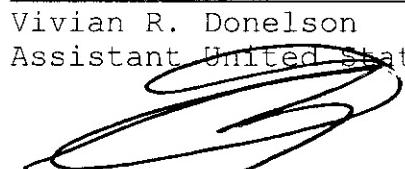
8. The Court will impose a special assessment of \$100.00 per felony count. The assessment of \$200.00 will be paid at sentencing.

FOR THE UNITED STATES

TERRELL L. HARRIS
UNITED STATES ATTORNEY

Vivian R. Donelson

Vivian R. Donelson
Assistant United States Attorney


Stephen Leffler
Defense Counsel

Vencel Martin

Vencel Martin
Defendant

5-26-05

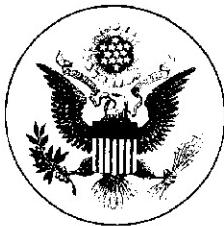
Date

5-25-05

Date

05/25/05

Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 160 in case 2:04-CR-20311 was distributed by fax, mail, or direct printing on June 13, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT